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**SEP 22 2003**

**OFFICE OF PETITIONS**

In re Application of  
Yuhpyng L. Chen  
Application No. 08/764,110  
Filed: December 6, 1996  
Title: SUBSTITUTED HETEROCYCLIC  
DERIVATIVES

DECISION PETITION UNDER  
37 C.F.R. §1.137(b)

This is a decision on the renewed petition filed on August 29, 2003, pursuant to 37 C.F.R. §1.137(b)<sup>1</sup>, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. §1.113 in a timely manner to the final Office action mailed June 27, 2001, which set a shortened statutory period for reply of three (3) months. No response was received, and no extensions of time pursuant to 37 CFR 1.136 were obtained. Accordingly, the above-identified application became abandoned on September 28, 2001. A Notice of Abandonment was mailed on May 7, 2002.

The original petition was submitted on September 27, 2002, and was dismissed via the mailing of a petition on May 19, 2003.

With this petition, the petitioner submitted a response in the form of a Notice of Appeal, submitted the appropriate fee, paid the petition fee, and made the proper statement of unintentional delay.

<sup>1</sup> A grantable petition pursuant to 37 CFR §1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to paragraph (d) of this section.

Accordingly, the petition is **GRANTED**.

The Notice of Appeal filed on August 29, 2003, has been entered and made of record. Accordingly, **the two (2) month period for filing the Appeal Brief, in triplicate, accompanied by the fee required by law, runs from the mailing date of this decision.**

The application file is being forwarded to Technology Center 1600 for processing of the Notice of Appeal.

It is noted that the petitioner has also submitted a request for a corrected filing receipt and a request to add associate power of attorney. Due to a software problem in the Office, these requests cannot be fulfilled at this time. In order to avoid delaying the revival of this application, this decision will be mailed without a corrected filing receipt or the addition of the associate power of attorney. The applicant is invited to re-submit these requests to the Technology Center at a later date.

Telephone inquiries *concerning this decision* should be directed to the undersigned at (703) 305-0011.



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